



P.O. Box 4029
Cedar Park, TX. 78630
www.thepaisleygroup.com
303-688-1666

August 26, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte - CG Docket Nos. 03-123, 10-51, and 13-24 Purple Communications, Inc.

Dear Ms. Dortch,

The Paisley Group LTD. ("Paisley") hereby responds to the claims submitted to the ex parte filed by Purple Communications ("Purple") on July 31, 2013.

Paisley felt further clarification of fact is necessary in order to ensure you had all the relevant information with regards to the blatantly false and malicious accusations made by Purple of waste, fraud and abuse of TRS funds connected to The Paisley National TRS Performance Index ("Index"). Paisley has never been involved in any litigation or criminal investigation. The data reported in the Index is factual, accurate, in compliance of the law and within FCC eligibility requirements.

Paisley's mission is to quantify the quality of service customers receive without bias. Paisley is a solely owned and operated independent company that engages with businesses to provide third party, non-biased quality of service assessments and competitive studies. Paisley has and always will be customer advocates, evaluating and stack ranking service providers. The Paisley Index quantifies the quality of service of TRS Relay providers, purely from the customer's perspective. The Index identifies root cause issues that detract from customer satisfaction. The purpose of the Index is to provide the industry a quantitative "Apples to Apples" snapshot comparison of the "quality of service" of the top Relay Service providers in the US.

Since 1987, Paisley has helped some of the largest, most respected names in several industries fine-tune their customer service operations and improve the overall quality of service they provide. No other company can match Paisleys' industry-specific experience in every aspect of customer experience management, quality and statistical modeling.

Paisley performs several industry specific comparative Indexes. These Indexes are not "work made for hire"; they are solely funded and chartered by Paisley. The TRS Fund does not compensate Paisley in any fashion for its research. The results are made available in the form of a report to anyone that wishes to purchase the Index. The data and methodology is the sole intellectual property of The Paisley Group Ltd.

The data reported in the Paisley Index is accurate and correct. The data acquisition process is based on a quantitative research methodology (Mystery Shopping). Key Performance Indicators ("KPI's") were developed in conjunction with focus groups, input from industry providers and Paisleys' 27 years of experience performing qualitative and quantitative research.



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It is true that Sprint, Hamilton, AT&T, several state public utility commission offices and the Federal Relay Service itself are clients of the Paisley Group. Paisley provides third party, non-biased quantitative root cause data for its clients to improve the overall quality of services. For 27 years, Paisley has earned the reputation of accuracy and integrity. Companies that take quality seriously, engage Paisley and companies like Paisley as their third party Quality Assurance organization to quantify the customer experience without bias. The depth of experience and the accuracy of the root cause data that Paisley provides enables our clients to obtain the highest levels of customer service quality possible.

Paisley Index results are not weighted based on popularity, market share or the size of the organization. The study is purely quantitative, based on strict statistical sampling methods and adherence to the performance matrices. The Key Performance Indicators (“KPI’s”) are designed to “level the playing field” for accurate and reliable data comparison. All providers have been supplied a copy of the methodology and asked for input since the Index inception. Regularly calibrated Paisley employees who have many years of experience performing relay services quality audits perform the study. Paisley auditors place scripted test calls during specific time blocks throughout the day. Each call is evaluated and scored as defined in the methodology. No providers (including providers that purchase the Index) have any prior knowledge of when the study begins or ends by design. The purpose is to protect the anonymity of the study in order to gain accurate insight, quantify the actual customer experience and minimize the ability of any provider to influence the results.

The quality audit takes place over several weeks and it is, by design, anonymous. We go to great lengths to maintain the anonymity of the study to prevent providers from gaining an unfair advantage. If Paisley were to inform Purple (or any other provider) of the callers’ identity, it would certainly create an unfair advantage. Teams of two auditors perform the test calls. On every test call, one of the auditors is either Hard-of-Hearing (“HoH”) or deaf. The Paisley Group is proud to employ these talented and hard working people from the deaf community. The insight, experience and validity they provide with firsthand experience with Relay Services are invaluable. Paisley proudly supports and is an advocate for the deaf community. Our auditors that are HoH or deaf support our efforts to improve the quality of service that they and family members rely upon for their communication needs.

Paisley has no insight whether or not the fund was billed for the Index test calls. Paisley is not compensated by or participates in the TRS fund in any way. Paisley is not a Relay provider. Paisley cannot and does not profit from any TRS minutes that providers submit for reimbursement.

The TRS Index is split into two sections - TTY and IP based services. The methodology defines both TTY and IP testing criteria. TTY test data is not merged with IP test data; each is reported separately. The pages and data submitted from the Index were only pertinent to IP based services. Neither i711 nor Purple was included in the TTY segment.

Average Words Per Minute (WPM), is defined as follows in the Paisley Methodology:

“Is calculated by counting the number of characters divided by the time (in seconds), multiplied by 60 (to get Characters per minute), divided by 5 (5 characters on average per word)”

This portion of methodology was not included as part of the filing and reads as follows:

“Sorenson and AT&T IP Relay service is based on Instant Messaging (“IM”). Each time a response or string of text is typed, the user must click send or depress the enter key to actually send the message. The text string is then sent as a whole versus TTY, which sends each character as it is typed. Due to the



functionality of the IM application and the characteristics of the TCP/IP protocol, the typing speed cannot be accurately calculated.”

Hamilton, i711, and Sprint are browser-based applications, as all “web” based application use TCP/IP as the underlying communications transport. TCP/IP contains flow and congestion control algorithms that can slow the data transfer when necessary, which will cause the transfer of information to be bursty. Although the characters seem to appear on the screen one at a time similar to a TTY call, it should be understood the very nature of the TCP/IP protocol, network congestion and network activity in general, can and will affect the words per minute calculation.”

In our experience with i711, the characters appeared on the auditors’ screen one at a time, similar to that of Hamilton and Sprint IP Relay services behavior. Based on this behavior, Paisley concluded that i711 was not an IM based service. In addition, a caveat was footnoted below the results for typing speed, which denotes:

“*WPM results may be influenced by Internet performance.”

Average Connect Time, is defined as follows in the Paisley Methodology:

“From the time when an auditor hits ‘Dial’ on a TTY or ‘connect’ on an IP service until the appearance of a Call Assistant (“CA”).”

Purple went to great lengths to defend their “speed of answer” time, which is based on “network switch” data. Purple only discloses the “Service level is a percentage of total calls answered by the provider within 10 seconds of call arrival” (at the switch). **Paisley KPI’s take the customer’s perspective; the request is not being serviced until the CA is present and working on your behalf.** Being placed in a hold queue or displaying an automated message to “wait for the next available agent” is not rendering service. Based on our understanding (the data points provided in Purple’s response), the two data sets cannot be compared. Paisleys’ methodology is published and available to anyone for the asking. The KPI’s were developed in conjunction with focus groups, Paisley’s 27 years of experience and many Relay providers’ suggestions. It should be noted that Purples Average Connect Time (as defined by Paisley KPI’s) reported in the March 2013 Index is consistent with historical trending data.

Only i711 was tested in this study. The study (or customers) does not make special concessions for the quality of service based on market share nor the volume of calls handled by the provider. All providers, regardless of volume, market share, organizational size or any other irrelevant parameter are tested equally, and are subjected to the same performance metrics. The study quantifies the quality of service provided from the customer perspective without bias.

The i711 service displays characters similar to that of Sprint and Hamilton, which is different in nature to our experience with AT&T and Sorenson IP Relay service. Due to this behavior, Paisley concluded that it is not an IM based system. However, as noted above, not only does the nature of IM based systems skew WPM calculations, the TCP/IP protocol in general influences the results and therefore cannot be accurately measured, which is the purpose of the footnote.

It should be noted the i711 and Purple IP Relay service websites are identical with the exception of branding at the top of the page. In the future we will certainly include Purple and delineate between Purple and i711 and test them as two separate entities.



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It addition, according to Paisley testing methodology, while Purple did produce lower results in the specific KPI's mentioned above, in several other KPI categories, Purple did meet or exceed the industry average and in some categories, tied for 1st place. There are a total of 15 KPI's in the Index.

In closing, for nearly 30 years, The Paisley Group Ltd. has designed qualitative and quantitative comparative studies for several industries. It is not uncommon for providers that place lower in the industry rankings to take exception to the results and attempt to discredit the study. Paisley outlines the methodology and the KPI's in a project scope document that is available upon request.

The Paisley Group is a "for profit" organization. Paisley did seek to conduct business with Purple several times in the past. We had submitted a few proposals for consulting services and requested they subscribe to the TRS and Captioning Telephone Service ("CTS") Performance Indexes (the same as any other service provider). In early 2013, Paisley again provided to Purple a "Project Scope" document that defined all measurements and methodology, and asked again if they would like to purchase the March 2013 Index (this is how our company generates revenue). They had declined. Over the years, Paisley has made several attempts to acquire Purple as a client and asked them to comment on the methodology, which Purple has not. Purple has been aware of the Paisley Index studies and methodology, and has had ample opportunity to comment and engage Paisley on the methodology (No purchase necessary). Paisley is always open to hearing feedback and suggestions to help improve our studies and ultimately improve communication services for the deaf and HoH community. The studies are performed from a customer perspective, not the corporate perspective.

The Purple response is arrogant, ridiculous and defamatory. The statements were made with the intent to do harm and with reckless disregard for the truth. Purple's statement regarding their market share relative to their performance only proves their expert marketing ability. Paisley would encourage the FCC to consider implementing a broader and more clearly defined set of performance standards. It is unclear how each provider is internally measuring performance, and self-reporting allows for the manipulation of data. We believe the arguments made by Purple only further demonstrate the need for more strict performance matrices that, when put in place, will ensure consumers and state administrators will feel confident that the results are accurate and without bias. We also feel that all providers be held accountable for poor quality of service.

Anyone wishing to purchase their own copy of The Paisley National TRS or CTS Performance Index or comment on the methodology, please contact:

The Paisley Group Ltd. (www.ThePaisleyGroup.com) / (303) 688-1666 / info@thepaisleygroup.com

Respectfully,
Jeff Rudolph
President and CEO
The Paisley Group Ltd
PO Box 4029
Cedar Park, Texas 78630